

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.18964 OF 2007

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DATED: 07-09-2007

Between:

P.J. Khan

.. Petitioner

and

APSRTC, rep. by its VC & MD,
Musheerabad, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.18964 OF 2007

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ORDER:

This writ petition is filed being aggrieved by an order, dated 16.07.2007, passed by the 2nd respondent - Depot Manager, APSRTC, Rapur Depot, Nellore District, wherein an amount of Rs.16,857.70 ps. was sought to be recovered from the salary of the petitioner in 30 equal installments @ Rs.565/- per month.

It appears, the petitioner was imposed with a punishment of stoppage of annual increments for a period of two years with cumulative effect, vide order dated 16.07.1998 passed by the 2nd respondent herein, as a measure of disciplinary action for certain cash and ticket irregularities committed by him. Aggrieved by the same, he filed W.P.No.25146 of 2006 before this Court and the same was disposed of on 04.12.2006, modifying the punishment of stoppage of annual increments for a period of two years with cumulative effect to that of stoppage of annual increments for a period of two years without cumulative effect. It was made clear that the petitioner is not entitled to any monetary benefits except fixation of pay.

While so, it appears, in the service register of the petitioner, punishment of stoppage of annual increments for a period of two years with cumulative effect was wrongly noted as punishment of stoppage of annual increments for a period of two years without cumulative effect. As a consequence, after two years of punishment period was over, the petitioner was granted annual grade increment, treating the punishment as without cumulative effect. But, after W.P.No.25146 of 2006 filed by the petitioner was disposed of on 04.12.2006, the respondents realized that the actual punishment sought to be imposed

was stoppage of annual increments for a period of two years with cumulative effect and that was mistakenly noted as without cumulative effect and, therefore, the petitioner was being granted regular increments till date. On realization of the said mistake, the impugned order, dated 16.07.2007, has been passed seeking to recover an amount of Rs.16,857.70 ps. from the salary of the petitioner in 30 equal installments @ Rs.565/- per month. Aggrieved by the same, the present writ petition is filed.

According to the petitioner, without issuing any notice, the impugned order was passed, which is arbitrary, illegal and in violation of principles of natural justice.

Prima facie, I am of the opinion that though the impugned order does not suffer from any illegality, before passing the same, the respondents could have issued a notice to the petitioner in order to satisfy the compliance of principles of natural justice. Since the respondents have not complied with same, the impugned order is liable to be set aside.

Accordingly, the impugned order, dated 16.07.2007, is set aside and the respondents are directed to issue a show cause notice to the petitioner, invite an explanation from him and then take appropriate action in the matter, as per law.

The writ petition is, accordingly, allowed. No order as to costs.

C.V. RAMULU, J

7th September, 2007.

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